

IN THE UNITED STATES DISTRICT COURT  
FOR THE ~~MIDDLE~~ MIDDLE DISTRICT OF PENNSYLVANIAROBERT WINTON, pro se,

v.

CO ADAMS, CO CHAD DUNLAP, CO BROWN

LT. JOHN DOE, DEPUTY WARDEN

WAGNER, individually and in their

Official Capacities

JURISDICTION AND VENUECOMPLAINTFILED  
SCRANTON

AUG 19 2020

PER SD  
DEPUTY CLERK

No. 20-1479

JURY TRIAL DEMANDED

1. Plaintiff Robert Winton, pro se, files this Civil Action under 42 U.S.C. Section 1983 to remedy the deprivation under Color of State Law, of Rights Guaranteed by the Eighth and Fourteenth Amendments to the United States Constitution. This Court has jurisdiction over this Action pursuant to 28 U.S.C. Sections 1331 and 1343.

2. This cause of action arose in the Middle District of Pennsylvania, making Venue proper under 28 U.S.C. Section 1391(b).

II PARTIES

3. Plaintiff is Robert Winton, pro se, currently confined at SCI-Holtzdale, 209 Institution Drive, Po Box 1000, Holtzdale, PA 16698-1000. At all times mentioned herein, he was a pre-trial detainee at Snyder County Prison, 600 Old Colony Road Selingsgrove, PA 17870.

4. Defendants CO Adams, CO Chad Dunlap, and CO Brown, ("Adams", "Dunlap", and "Brown", respectively) are Corrections Officers at Snyder County Prison.

5. Lt. John Doe is a Commissioned Officer, ("Doe"), at Snyder County Prison. He Supervises Adams Brown and Dunlap.

6. Deputy Warden Wagner is the Deputy Warden of Snyder County Prison.

7. Each Defendant issued individually and officially.

III PREVIOUS LAWSUITS BY PLAINTIFF

8. Plaintiff has not filed any lawsuit relating to the facts set forth herein

IV EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. Exhaustion is an affirmative defense which must be plead & proven Jones v. Back, 549 U.S. 199, 127 S.Ct. 919 (2007).

or about ~~V~~ FACTS

10. On, October 19, 2018, at about 10-11 PM, Plaintiff ("Winton"), had a seizure due to his Epilepsy. He was taken to "Intake" at this time for observation.
11. On or about October 20, 2018, <sup>at about 8 AM</sup> Winton was given a ham sandwich by Adams. He said he spit in it. Winton did not eat the sandwich.
12. Dunlap placed handcuffs on Winton that were very tight immediately after Winton was "finished" with his sandwich, they said.
13. Doe took Winton to the "hole" - C-Block Cell #1 with Adams, Runkap, Brown and Wagner. A camera was initially used. The Defendants made sure no one else - inmate or staff - was in the hole at this time.
14. Doe and Wagner both said the camera was "off" so if [Winton] "try to do anything, there is no proof."
15. Adams then Shoved Winton into the Cell #1 and Smashed his face against the bunk so he couldn't talk. <sup>Adams</sup> He used his Knee on Winton's Back and his Elbow and Arm on Winton's head so he couldn't move at all.
16. Brown just watched and did nothing. Doe shut off the camera. Wagner also just watched.
17. Dunlap controlled the handcuffs. He punched Winton twice in the mouth while he was handcuffed. He also hit him in the rib cage on the left side, with a flashlight, once. The punches were hard enough that Winton bled from the mouth.
18. Winton was cuffed so tight that it left bruises on his wrists.
19. Winton told Adams to stop about 5 times. Adams said he would "do it harder" if he "opened his mouth."
20. They then left Winton Handcuffed and bloody in the cell.
21. At about 12 PM, they took Winton Back up to Intake where he was taken to a County Jail in Lewistown, PA.

VI LEGAL CLAIMS

22. Plaintiff realleges Paragraphs 1-21, supra.
23. The assault by Defendants Dunlap and Adams, constitutes a violation of Plaintiff's Due Process under 14th Amd. U.S. Const. and cruel and unusual punishment under the 8th Amd. U.S. Const.
24. The actions of Doe and Wagner constitutes a violation of Plaintiff's Due Process Rights 14th Amd U.S. Const. and failure to protect under 8th Amd. U.S. Const, promulgated by Farmar v. Brennan.
25. Plaintiff is without redress unless the Court grants the relief requested, infra

VII PRAYER FOR RELIEF

~~26~~. WHEREFORE your Plaintiff respectfully requests this honorable Court enter judgment granting:

26. Compensatory Damages in the Amount of \$250,000 against each Defendant, jointly and severally
27. Punitive Damages in the Amount of \$100,000 against each Defendant, jointly and severally
28. Declaratory Judgment
29. Jury Trial on all issues triable by jury
30. Any additional relief this Court deems just, equitable and proper and
31. Plaintiff's Costs for Litigating.

I, Robert Winton, verify this Complaint under penalty of perjury

Respectfully Submitted,

R. Winton

Robert Winton  
NP 5906  
Sci-Houtzdale  
Po Box 1000  
Houtzdale, PA 16898-1000

FILED  
SCRANTON

AUG 19 2020

PER

DEPUTY CLERK

Dated 8/15/2020

Robert Winton  
NP 5906  
PO Box 1060  
Hartsville, PA 16698  
August 15, 2020

Clerks Office  
US District Courthouse  
PO Box 1148  
Scranton, PA 18501

Dear Clerk:

Please find enclosed a civil action to file in record.

Please send me any additional paperwork required to be filed.

Enclosed is 3 page Complaint, District Judge option, And 1 Fp papers.

If you have any questions or concerns, contact me.

Thank you for your consideration.

Sincerely  
/s/ Robert Winton  
Robert Winton

Smart Communications/PADOC

sci-Holtzdale

Name ~~Deborah~~ Spada

Number WX 7842

PO Box 33028

St Petersburg FL 33733

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AUG 19 2020

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